

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ALVIN CARSWELL,	:	
	:	
Petitioner	:	
	:	
VS.	:	CIVIL ACTION NO. 5:10-CV-393 (MTT)
	:	
BALDWIN COUNTY, <i>et al.</i> ,	:	
	:	
Respondent	:	<u>ORDER</u>

Petitioner **ALVIN CARSWELL**, a former inmate at the Bleckley Probation Detention Center in Cochran, Georgia, filed a *pro se* “Motion to Modify Actual Time Serve[d]” on October 19, 2010. Construing the Motion as a 28 U.S.C. § 2241 habeas corpus action, the Court ordered Petitioner to complete the required form and either pay the \$5.00 filing fee, or submit a request to proceed *in forma pauperis*. (R. at 4).

Petitioner returned the completed habeas form and submitted a request to proceed *in forma pauperis*. (R. at 5, 6). Due to the amount of deposits into petitioner’s trust fund account, the Court denied his request to proceed *in forma pauperis* and, in an Order dated November 18, 2010, ordered him to pay the \$5.00 filing fee. (R. at 7). Petitioner was given until December 2, 2010 to pay the filing fee.

Petitioner has failed to pay the filing fee or otherwise respond the Court’s November 18, 2010 Order. Moreover, the Court has learned that Petitioner is no longer incarcerated at the

Bleckley Probation Detention Center or at any other facility within the Georgia Department of Corrections. Petitioner has not notified the Court of his new address and the Court has no way of obtaining this address. Therefore, the Court has no way of inquiring into Petitioner's reasons for failing to pay the filing fee.

Because of his failure to comply with the Court's instructions and his failure to notify the Court of his new address, Petitioner's case is hereby **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this 16th day of December, 2010.

s/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

lnb